

SENATE BILL REPORT

SB 5957

As Reported By Senate Committee On:
Government Operations, March 1, 1995

Title: An act relating to plat and subdivision amendments.

Brief Description: Amending plats.

Sponsors: Senator Cantu.

Brief History:

Committee Activity: Government Operations: 2/28/95, 3/1/95 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5957 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Staff: Rod McAulay (786-7754)

Background: The official record of a subdivision of real property is a plat, filed with county real property records. The alteration of an existing plat requires an application signed by a majority of the property owners in the subdivision and approval by the legislative authority of the city or county in which the subdivision is located. If the alteration will violate a restrictive covenant filed at the time of approval of the subdivision, the application for alteration of the plat must be signed by all of the property owners in the subdivision. In all events, notice of the alteration must be given to all property owners and either a public hearing scheduled or an opportunity to request a hearing afforded. If the legislative authority approves an alteration, a revised plat is filed with the county real property records.

Certain alterations may be considered to have such little substantive impact on the rights of the property owners in the subdivision that they should be exempt from the approval requirements.

Summary of Substitute Bill: A city, town or county may grant an easement for ingress and egress or utilities over public property that is held as open space pursuant to a subdivision or plat without compliance with the alteration statute if: (1) the open space is already used as a utility right of way or corridor; (2) other access is not feasible; (3) the granting of the easement will not impair public access or authorize construction of physical barriers of any type; and (4) a public hearing is held with notice to the property owners in the affected subdivision.

A donor of a public park of less than two acres by way of dedication in a plat submitted for approval, may designate that the park be named in honor of a deceased individual of good character.

Substitute Bill Compared to Original Bill: The original bill does not require notice and a public hearing as a condition of granting an easement for ingress and egress of utilities over public property that is held as open space pursuant to a plat. The original bill does not include a provision permitting a donor to name a park of less than two acres in honor of a deceased person of good character when the park is established by a dedication in a plat.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: It will avoid an unnecessary burden for cities and others to use open land in appropriate ways without doing a costly plat amendment. The exception is narrowly drawn. Public participation can be provided without the formal plat amendment.

Testimony Against: None.

Testified: PRO: Senator Cantu, prime sponsor; Doug Vogt, City of Bellevue.